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Record of Decision

Final Environmental Impact Statement for the San Juan National Forest Land and Resource Management Plan

**Archuleta, Conejos, Dolores, Hinsdale, La Plata,
Mineral, Montezuma, Rio Grande, San Juan Counties,
Colorado**

September 2013

San Juan National Forest, Colorado

**Final Environmental Impact Statement
for the
San Juan National Forest
Land and Resource Management Plan
RECORD OF DECISION**

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**Access the Final Environmental Impact Statement, Land and resource Management Plan,
and Record of Decision Online:**

<http://www.fs.usda.gov/main/sanjuan/landmanagement/planning>

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1 INTRODUCTION

This document presents the decision and summarizes the reasons for choosing the Selected Alternative, as presented in the San Juan National Forest (NF) Final Environmental Impact Statement (FEIS), as the basis for the San Juan NF revised Land and Resource Management Plan (LRMP). The long-term environmental consequences contained in the FEIS are considered in this decision.

The lands analyzed in the FEIS encompass approximately 1,867,800 acres of the San Juan NF, administered by the USDA Forest Service (USFS) and approximately 504,400 surface acres and 704,300 acres of subsurface mineral estate administered by the USDI Bureau of Land Management (BLM) Tres Rios Field Office. The lands within the combined planning area are currently managed under the 1985 San Juan\San Miguel Resource Management Plan (as amended) and the 1983 San Juan National Forest Land Management Plan (LMP). In December 2004, the BLM and USFS published a Notice of Intent to initiate a joint revision of the 1983 and 1985 plans. A Draft Land and Resource Management Plan and Environmental Impact Statement were released for public review in December 2007 and a Supplement to the Draft EIS was published in August 2011 to include revised projections for mineral development on USFS and BLM lands within the planning area. Separate *Records of Decision* will be signed by each agency for the specific aspects of the FEIS and LRMP affecting the lands they manage. Due to the administrative requirements of each agency, the USFS issues the *Record of Decision* for the San Juan NF with the release of the FEIS and LRMP, while the BLM issues theirs for the Tres Rios Field Office after their protests are resolved.

In general, USFS and BLM land management planning decisions are similar and both include key decisions such as establishing desired conditions, goals, objectives, suitable uses, standards and guidelines; establishing direction for specific areas; and special area designations. The LRMP establishes a framework for future decision-making by outlining a broad, interdisciplinary program for achieving the desired goals, objectives, and future conditions of the landscape for the next 10 to 15 years. The LRMP does not make a commitment to the selection of any specific project and does not dictate day-to-day administrative activities needed to implement either agency's internal operations. However, by applying forest-wide management direction, the LRMP is implemented through the design, execution, and monitoring of site-specific projects and activities.

This *Record of Decision* **only** affects the lands administered by the San Juan NF. It does not affect lands administered by the BLM, which will be addressed in a separate decision. The LRMP and accompanying FEIS also incorporate analysis and guidance in regard to oil and gas leasing and development of Federal minerals falling within the administrative boundary of the San Juan NF. The availability of lands on the San Juan NF for oil and gas development is not part of this decision, and is covered by a separate *Record of Decision*.

2 MY DECISION

2.1 Overview of My Decision

This *Record of Decision* (ROD) presents my decision to select Alternative B as presented in the FEIS to serve as the basis for the revised LRMP for the San Juan NF. In making this decision, I reviewed the range of alternatives, read the public comments, and considered the evaluation of the alternatives in the FEIS. This LRMP and FEIS exemplifies the “all-lands” approach that today’s natural resource managers strive to accomplish. It incorporates a joint BLM and USFS vision for management of this broader landscape, while taking into account the unique ecological, social and economic role each unit plays. Most of the guidance in the plan will apply across the landscape with little regard for the boundary between the agencies, with some exceptions due to policy requirements or simply different agency emphases for particular areas. The USFS and BLM worked closely with other landowners, including the National Park Service, Colorado Parks and Wildlife, the Bureau of Reclamation, and counties to allow for the revision to be consistent as possible with other plans for the surrounding landscape. To address the jurisdictional complexities of water resource management as it relates to the plan revision, the San Juan NF invited local governments, Tribal representatives, water conservation districts, and state agencies to be part of a “Governmental Water Roundtable.” The San Juan NF also participated on the Air Quality Stakeholders Group, and with six local River Working Groups. The San Juan communicated with 26 Tribes affiliated with public lands in the planning area.

This holistic approach towards management of the landscape is one of the real strengths of this FEIS and LRMP. Standards and guidelines ensure that resources are managed in a sustainable manner. Needed course corrections or adjustments will be identified through monitoring and evaluation, and amendments to the LRMP will be made as needed. This decision will remain in effect until the LRMP is revised or amended.

My decision is being made pursuant to the 1982 USFS planning regulations, as allowed by the transition language of the current regulations, 36 Code of Federal Regulations (CFR) 219.17(b)(3). A copy of the 1982 Planning Regulations is available at the San Juan NF office or at <http://www.fs.fed.us/emc/nfma/includes/nfmareg.html>.

2.2 Components of My Decision

There are six fundamental components of my decision. The following sections discuss these components in detail.

1. Establishment of forest-wide multiple-use goals and objectives, including desired conditions (36 CFR 219.11(b) – 1982)

I am establishing goals, stated as desired conditions, and objectives listed and described in the LRMP for each resource and resource area.

Desired conditions encompass the overarching goals of land and resource management. They are statements of the social, economic, and ecological attributes and values toward which management strives to achieve and characterize or exemplify the desired outcomes of land management. They describe how the area is expected to look and function in the future. Some desired conditions are general, while others are quite specific.

Desired conditions are aspirations; they may only be achievable over the long term. Collectively, specific projects implemented subsequent to this LRMP should contribute to maintaining and/or achieving desired conditions, but no single project should be expected to contribute to meeting all desired conditions. Identifying and establishing desired conditions is the central focus of this LRMP.

Objectives are concise projections of measurable, time-specific intended outcomes. Objectives are a means of progressing toward maintaining and/or achieving desired conditions. As with desired conditions, they are aspirations, not commitments or final project decisions. Implementation and achievement would rely upon sufficient funding and staffing levels.

2. *Establishment of forest-wide standards and guidelines (36 CFR 219.13 to 219.27 – 1982), suitability, and allowable uses*

I am establishing standards and guidelines as listed and described in the San Juan NF LRMP for each resource and resource area.

Standards and guidelines are criteria used in project design and implementation that protect resources and provide technical information and guidance for project and activity decision-making to help achieve desired conditions and objectives. They are project-level operational controls that help ensure that projects are consistently implemented in ways that reduce environmental impacts.

A **standard** is an approach or condition that is determined to be necessary to meet desired future conditions and objectives, and/or to ensure the long-term viability of resources. A standard (worded as “must” or “shall”) describes a course of action that must be followed, or a level of attainment that must be reached. Deviations from standards would require analysis and documentation through a subsequent land management plan amendment.

A **guideline** (worded as “should”) is presumptively a requirement to meet desired future conditions and objectives, and/or to ensure the long-term viability of resources. Guidelines are put forward in this LRMP in recognition that there may be circumstances that could generate or require alternative, more appropriate means for meeting desired future conditions and objectives, and/or to ensure the long-term viability of resources. It is also recognized that there may be limited individual circumstances where the need for a guideline no longer exists or the applicability of a guideline is otherwise altered (e.g., changes in surrounding land use that may render a guideline ineffective). In these situations a guideline was determined to be more appropriate than a standard by allowing some flexibility in approach as conditions change and new information is obtained. The use of guidelines in this LRMP is an acknowledgement that a single ideal approach for meeting our desired future conditions and objectives, and/or ensuring the long-term viability of resources may yet to be identified, and that there may be nuances in any given management situation that warrant a modified approach. If the Responsible Official for a project decision finds that deviation from a guideline is necessary, he or she must record the reasons for deviation as part of the project decision and explain how the intent of the guideline—as established by the desired future conditions and objectives, and/or need to ensure long-term viability of resources—is being met through alternative means. If the intent of the guideline is met through alternative means, a land management plan amendment typically would not be required.

Suitability is defined by the capability of an area to accommodate specific uses and activities in a sustainable manner based on the area's inherent biophysical characteristics, public input, and balancing desired conditions for multiple resources. Suitability determinations are general determinations derived from modeling exercises at the landscape level that can be refined as necessary at the project level. Suitability determinations in this LRMP are made for the timber, grazing, and travel programs. The allowable use tables in Chapter 3 portray suitability of these uses for specific areas and also identify other activities that are allowed, restricted, or prohibited within each area.

3. *Establishment of management area direction (36 CFR 219.11(c) – 1982)*

I am establishing seven management prescriptions, called management areas (MA), which will guide the design and implementation of future actions. These are identified using a numbering scheme of MA 1 through MA8 that is commonly in use in the Rocky Mountain Region of the USFS (MA 6 is not used in this LRMP). MAs describe the intensity of management that can be expected within each MA, ranging from areas where natural processes dominate and shape the landscape (MA 1) to areas

that are highly developed and intensely managed (MA 8). In addition to the level of management, MAs also provide a general sense of how the landscape will appear and identify uses and activities that are allowed. To varying degrees, multiple uses occur within all the MAs.

As part of management prescriptions, I am also establishing desired conditions applied to three subparts of the forest called geographic areas. There is direction for the Dolores, Columbine, and Pagosa geographic areas.

4. *Determination of lands suitable for various uses and an allowable timber sale quantity*

My decision specifically includes the determination of lands suitable for timber harvest (36 CFR 219.14 - 1982) and an associated allowable sale quantity for the next 10 years on those acres (36 CFR 219.16 - 1982); and the determination of lands suitable for grazing and browsing (36 CFR 219.20 - 1982).

Suitable uses are described in the LRMP for each MA and for several other specific areas discussed under item 6 below.

My decision identifies 311,949 acres as suitable for timber production, and an additional 395,067 acres of other tentatively suitable lands where timber harvest may occur to meet other objectives. I am establishing an estimated allowable sale quantity for the next 10 years on the suitable acres as 4.0 million cubic feet per year, as achievable through future funding. Based on projected funding levels, the selected alternative is expected to provide 2.18 million cubic feet per year from lands suitable for timber production and an additional 0.18 million cubic feet per year from other lands.

My decision also identifies 873,361 acres as suitable for livestock grazing.

5. *Establishment of requirements for monitoring and evaluating the implementation of the Revised Plan (36 CFR 219.11(d) – 1982)*

I am establishing monitoring and evaluation requirements as described in Chapter 4 of the LRMP. The monitoring plan provides a framework for adaptive management by establishing priorities and timelines for the evaluation of ecological, social, and economic conditions and trends that contribute to sustainability and reflect progress towards the land management goals of the San Juan NF. As part of the monitoring plan, we have identified potential data sources so we can readily use information provided by partners and other reliable sources. In establishing this monitoring plan, I recognize the limitations that may be placed on our ability to monitor and collect additional data, due to budget and other resource constraints.

A critical part of San Juan NF LRMP monitoring plan is our approach to maintaining viable populations of existing native and desired non-native vertebrate species, per the 1982 USFS Planning Regulations at 36 CFR 219.19. Species conservation is a fundamental underpinning of the ecological framework and sustainable ecosystems strategy employed in the LRMP to conserve habitats, populations and species, and is therefore one important focus of the monitoring plan. The San Juan NF will use the best available information to determine long-term trends for habitats, populations and species of concern or species of interest. As appropriate, habitat and/or population data from a variety of sources will be utilized to determine population trends. Should downward trends be identified, further investigations will be conducted in an effort to determine the cause of such trends. Causes that are tied to agency actions will be addressed through adaptive management actions. The San Juan NF will also monitor the status and trend of Management Indicator Species populations and the condition and trend of their habitats at the scale most appropriate for the Management Indicator Species population of concern.

6. Recommendations for additions to the Wilderness Preservation System, the Wild and Scenic River System, and establishment of new Research Natural Areas or other administrative designated areas (36 CFR 219.17(a), 219.18, 219.21, 219.25 – 1982)

Recommendations for Wilderness

I am recommending the following areas for inclusion in the National Wilderness Preservation System:

- Portions of the Hermosa area (50,850 acres);
- Lands adjacent to the Lizard Head Wilderness Area (2,632 acres);
- Lands adjacent to the Weminuche Wilderness Area (Elk Park, Monk Rock, and Turkey Creek, totaling 1,404 acres)

These areas will be managed to maintain their wilderness characteristics until Congress designates them as wilderness or releases them for other multiple-use management (in which case, they would be managed under Management Area 1).

Recommendations for the Wild and Scenic River System

In accordance with section 5(d) of the Wild and Scenic Rivers Act, 29 river segments of six river systems are identified as suitable for potential inclusion into the National Wild and Scenic River System (see Table 1).

Table 1 – Recommended Suitable Wild and Scenic Rivers

River System	Miles
Animas River and tributaries	43
Dolores River*	6
Hermosa Creek and tributaries	62
Los Pinos River and tributaries*	54
Piedra River and tributaries*	51
San Juan River and tributaries	24
Total	240

*All or portions included in previous land management plans and managed for decades to protect the outstanding and remarkable values.

The specific segments of these six river systems identified for potential inclusion into the National Wild and Scenic River System are identified in Appendix D of the FEIS. These rivers may eventually be designated as part of the National Wild and Scenic River System by an act of Congress or, in limited circumstances, by the Secretary of the Department of the Interior. The identification of rivers as suitable through this land management planning process does not trigger any water rights or other protections under the Wild and Scenic Rivers Act. In order to manage the rivers for their potential inclusion into the National Wild and Scenic River System, existing authorities will be used to protect the identified rivers' free-flowing character, water quality, outstanding and remarkable values, and recommended classification.

My recommendation of suitability for inclusion in the National Wild and Scenic River System is a preliminary administrative recommendation that receives further review and possible modification by the Chief of the Forest Service, Secretary of Agriculture, and the President of the United States. The Congress has reserved the authority to make final decisions on designation of rivers as part of the National Wild and Scenic Rivers System except under the limited circumstances of Section 2(a)(ii) of the Wild and Scenic Rivers Act which provides for designation by the Secretary of the Interior following an application by the Governor of the State.

Stream segments identified as eligible during the inventory phase leading to this LRMP, but not recommended as suitable in this decision, are no longer subject to interim management protection under the guidance implementing the Wild and Scenic Rivers Act unless and until the study process required under section 5(d) of the Wild and Scenic Rivers Act is reconsidered under separate plan amendment or revision. Stream segments previously identified as eligible will be managed under other LRMP components pertinent to the streams' location and resource values.

Establishment of Research Natural Areas

I am identifying eight new Research Natural Areas in addition to the two existing ones. Formal designation will take place after subsequent site-specific analysis and completion of an Establishment Report for each area.

Other Special Areas

I am also establishing general management direction for the following special areas:

- Continental Divide National Scenic Trail Corridor and the Colorado Trail
- Falls Creek Archeological Area
- Chimney Rock National Monument (consistent with Presidential Proclamation 8868)
- Chattanooga Fen Special Botanical Area
- O'Neal Hill Special Botanical Area
- HD Mountains
- McPhee area
- Rico area
- Smoothing Iron and Boggy Draw Old Growth Recruitment Area

3 RATIONALE FOR MY DECISION

My decision to select **Alternative B** is based on a careful and reasoned comparison of the environmental consequences of and responses to the issues and concerns identified for each alternative. I selected Alternative B because it best supports our commitment to retain and restore the ecological resilience of the San Juan NF in order to achieve sustainable ecosystems that provide a broad range of services to society. The San Juan NF, together with the BLM, conducted extensive public outreach from the initiation of this process in 2004 to the present, involving numerous individuals, organizations, agencies, Tribes, and local governments. Alternative B provides for the best mix and balance of management strategies that are responsive to the issues, concerns, and opportunities expressed by our stakeholders.

Alternative B establishes ambitious but achievable objectives for ecosystem management and restoration, recreation opportunities and management, and the management of heritage resources. Specific components target restoration of watersheds and native plants while emphasizing the wide range of recreational opportunities, nationally renowned scenery and the newly designated Chimney Rock National Monument. Alternative B provides opportunities for responsible resource use and commodity production that are valued by the surrounding communities. It also protects special areas and provides strong rationale for recommendations for special designations. Alternative B provides the best approach for restoring and sustaining healthy forest and rangeland conditions, while providing a variety of opportunities to the American people to utilize their public lands.

3.1 Other alternatives considered in detail

Four alternatives were considered in detail, including Alternative B. The description of each of the alternatives not selected is provided below, along with my reasoning for not selecting each of them.

Alternative A represents the continuation of current management direction under the existing San Juan National Forest Land and Resource Management Plan (1983), as amended. Alternative A meets the NEPA requirements that a No Action Alternative be considered (40 CFR 1502.14). “No Action” means that the alternative reflects the implementation of existing management goals, objectives, and management practices based on the existing land use plans. Alternative A also serves as the baseline for comparing and contrasting the impacts of the other alternatives. Alternative A is based on reasonably foreseeable actions, existing planning decisions and policies, and existing land use allocations and programs.

I did not choose Alternative A as the Selected Alternative because the management goals, objectives and other prescriptions from the current forest plan do not take into account the many changed conditions that have occurred since this plan was established in 1983. Several plan amendments, including a major amendment in 1992, addressed unanticipated issues that were not included in the 1983 forest plan. However, new complexities, unforeseen demands, higher levels of controversy, and new public land issues and concerns have arisen to such a degree that the current plan is challenged to effectively evolve with these changing conditions. In addition, new resource assessments and current scientific information is available to help us make more informed decisions.

Alternative C provides for a mix of multiple-use activities with a primary emphasis on maintaining the undeveloped character of the planning area. Production of goods from vegetation management would continue, but would be secondary to other non-commodity objectives. Under Alternative C, production of goods and services would be more constrained, and we would place a higher priority on management of special designations and emphasize protection of undeveloped areas and non-motorized recreational activities to a greater degree than any of the other alternatives.

I did not choose Alternative C as the Selected Alternative because it lacks the balance of mixed recreational and land use opportunities that are a signature characteristic of the San Juan NF. Visitors to the San Juan NF expect a wide range of opportunities and appreciate the diverse outdoor experiences within close proximity. With such a strong emphasis on primitive recreation, limited motorized access,

and expansion of undeveloped, primitive areas, many of these opportunities would be lost if Alternative C were implemented. In addition, the forested areas of southwest Colorado have provided timber, forage, minerals, and other commodities for many years. The value of these services is important to Colorado and the nation, and producers of these extractive activities have implemented improved practices over time often with a lighter touch on the land so that they can be performed at a more sustainable level. Alternative C would place widespread restrictions on these activities and also take away some of the tools necessary to maintain a healthy, productive forest.

Alternative D provides for a mix of multiple-use activities, with a primary emphasis on “working forests and rangelands” in order to produce a higher level of commodity goods and services when compared to the other alternatives. Alternative D allocates the least amount of land for special designation. Under Alternative D, production of goods and services would be greater than that proposed under Alternatives B and C.

I did not choose Alternative D as the Selected Alternative for much the same reason that I did not choose Alternative C: it does not offer the type of multiple use opportunities and experiences that visitors to the San Juan NF have come to value, enjoy, and expect. While commodity production is an important and legitimate use of national forests, we must ensure that the health of the land can be preserved and that forest visitors will continue to be able to find the opportunities for recreation and renewal that most easily come from experiences in highly natural, undeveloped settings. Implementation of Alternative D could hamper our ability to provide those opportunities and experiences as they have come to be expected on the San Juan NF.

3.2 Alternatives Considered but Eliminated from Detailed Study

Several alternatives were considered during the planning process, but were eliminated from further detailed analysis. The alternatives are discussed in Section 2.3 of the FEIS, including the reasons why they were eliminated from detailed study. Many of the suggestions proposed by interested parties and the public were used to develop and shape the analyzed alternatives even if they were presented in an alternative that was not carried forward in its entirety.

3.3 Rationale for Selection of Alternative B

All three of the alternatives described in Section 3.1 above are feasible and could be implemented by the USFS; however, Alternative B better aligns with the purpose and need of this plan revision. I find that Alternative B provides the maximum level of net public benefits based on its responsiveness to the four encompassing issues that surfaced during our broad community-based scoping process held at the outset of the plan revision process from 2004 through 2006. Comments received during the formal review periods since that time, as well as the feedback and input we continue to receive through informal channels, have confirmed that these four issues persist as the major concerns of those with a stake in the management of the San Juan NF. Below I explain how my decision responds to each of these issues.

Issue 1: Balancing Management between the Ideas of Maintaining “Working Forests and Rangelands” and Retaining “Core Undeveloped Areas”

This issue reflects our stakeholders’ collective desire to preserve the forest’s uses, functions and opportunities of the past that now frame its future. Visitors and users of the San Juan NF place a high value on the diversity of opportunities it offers and its expansive role in providing amenities. There are parts of the forest where very active management and resource extraction have occurred over many years, and there are also vast roadless lands, designated Wilderness, and other undeveloped areas. This issue essentially addresses the question of where the forest should be actively managed for resource development (timber production, mineral development, livestock grazing, etc.), and which lands should have minimal management, allowing natural processes to shape the landscape.

In general, I have identified areas with a history of multiple use management, a developed road network, and other existing infrastructure and investments to continue to be managed as “working forests and rangelands.” These lands are also the most suitable for timber production and typically have moderate to

high potential for mineral development. They most closely correlate with MA 5 lands, though multiple use activities are allowed to varying degrees within most MAs. Continuing opportunities for commodity production and developed access in these areas helps to ensure sustainable benefits to local and regional businesses and governments as well as presenting additional options for restoring ecological balance and reducing fuels hazards to adjoining areas.

Two areas contiguous with the existing Wolf Creek Ski Area are classified as MA 8, which would allow for the consideration of ski area projects or expansion. This forest plan direction provides the opportunity for consideration of potential future projects; it does not authorize any specific projects. If and when a specific ski area proposal is submitted, it will be considered in a project level decision making process that will be subject to all applicable laws and regulations including NEPA and its public involvement requirements.

I have followed a similar line of reasoning in identifying “core undeveloped areas.” These lands have long served as refuges for wildlife, conservation areas for rare or uncommon plants and plant communities, reference areas for research activities, and sanctuaries to which humans can retreat from the sights and sounds of modern life. These lands also provide for less-tangible amenity values such as clean air, clean and dependable water, tremendous scenery, and the simple knowledge that such areas exist for current and future generations. It is my decision to continue to manage these areas for these purposes, and in some cases add to this network of undeveloped lands, which are primarily comprised of MA 1 areas, Research Natural Areas, recommended Wilderness areas, the Piedra Area, Wilderness areas, and Colorado Roadless Areas.

I want to stress the importance of these undeveloped areas in our habitat management responsibilities. Much of the management direction in the LRMP revolves around a “Sustainable Ecosystem Strategy” that was developed to ensure the continued diversity and viability of species on the San Juan NF, and “protected areas” play a key role in maintaining the biological diversity that vegetation and wildlife species depend on. The terrain, variety of well-functioning ecosystems, and historical patterns of use of the San Juan NF, combine to present a great opportunity to balance the many commodity-based and amenity-based public demands.

Issue 2: Providing Recreation and Travel Management within a Sustainable Ecological Framework

This issue addresses the essential question of what areas of the San Juan NF are available for motorized recreational travel, including summer and winter recreation, and what areas are not. A primary focus of this issue is reducing motorized and non-motorized user conflicts. Motorized and non-motorized recreationists alike do not want their respective opportunities to diminish over time, but they also recognize that without constraints, uses become imbalanced and user conflict escalates. We heard through public comment that more than anything, users wanted equitable opportunity to pursue motorized and non-motorized recreation.

My decision regarding summer (over-ground) travel does not address specific roads and trails – that level of decision-making happens through a separate analysis process called *travel management planning* where site-specific analysis goes into detail including individual routes. For this LRMP revision, my decision includes a three-fold suitability determination: I identify areas that are **suitable** for motorized travel, areas that are suitable for motorized travel and where **opportunities** exist for additions to the existing road and trail network, and areas that are **unsuitable** for motorized use. In response to the public comments we received, my decision strikes a balance by identifying 50.2 percent of the San Juan NF as suitable (including *opportunity* areas) for motorized use and 49.8 percent as unsuitable for motorized use.

My decision compliments recent travel management planning decisions in the Pagosa, Columbine, and Dolores Ranger Districts (such as the Turkey Creek, La Plata, and Boggy-Glade travel management plans) and does not modify those decisions in any way. For those landscapes across the forest where site-specific travel management planning has not occurred, my decision primarily reflects current

management and is subject to change through a plan amendment based on site-specific analysis that will be completed through the travel management planning process.

For winter travel (over-snow), I identify lands as suitable or unsuitable for motorized use. Snowmobiles and other motorized modes of over-snow travel can travel on groomed routes and cross-country throughout suitable areas. Over-snow travel is an issue of enormous interest in certain areas of the San Juan NF, such as along the Highway 550 corridor. We conducted detailed analysis and received abundant feedback on over-snow travel opportunities, and I look forward to finalizing this issue so our users will have clear direction on appropriate locations for various forms of over-snow recreation. However, as is the case with over-ground travel, subsequent over-snow travel planning will be necessary to implement over-snow motorized suitability area boundaries as delineated in the LRMP.

Issue 3: Management of Special Area Designations and Unique Landscapes

This issue reflects the question of which areas on the San Juan NF should be recommended for Wilderness and Wild and Scenic River designation. Much of the feedback we received during initial scoping meetings also advocated for recognition of other special and unique areas on the San Juan NF that do not fit well within these designations but contain other qualities that make them worthy of special management.

I am recommending that 54,886 acres of the San Juan NF be considered for future Wilderness designation by Congress. The bulk of this acreage lies within the Hermosa area (50,850 acres). Legislative proposals for the Hermosa area currently before Congress include a subset of the 50,850 acres recommended for Wilderness in this decision.

The San Juan NF includes a special management area known as the Piedra Area which was recognized in the Colorado Wilderness Act of 1993 as possessing Wilderness characteristics. The Colorado Wilderness Act of 1993 also provided for management of the Piedra Area to be generally consistent with the management of designated Wilderness. Although The Wilderness Act of 1964 and implementing regulations provide for agency recommendation of additions to the National Wilderness Preservation System, there is no such provision for recommending additions specifically to the Piedra Area. Much of the management guidance provided for NFS lands adjacent to the existing Piedra Area in this LRMP is consistent with the statutorily-directed management of the Piedra Area, but due to the unique circumstance provided by the Colorado Wilderness Act's designation of the Piedra Area, I am not making a recommendation for adding lands or removing them from consideration for the Piedra Area.

As discussed above, I have identified 29 river segments of six river systems as suitable for potential inclusion into the National Wild and Scenic River System. Appendix D of the LRMP/FEIS references the work of six community-sponsored workgroups that are considering appropriate river management and protections for various stream segments studied for Wild and Scenic River suitability. These community efforts occurred concurrently with the development of this LRMP and considered a variety of actions that might be taken to conserve what they identified as river-related values. Much of the work by these groups occurred outside of the public comment periods for the development of this LRMP/FEIS and was not included in the development of the LRMP. However, as identified in Appendix D, the results of these work groups, when completed, will be made available for review should the preliminary administrative recommendation made here be forwarded for further consideration by the Chief of the Forest Service, Secretary of Agriculture, and the President of the United States.

During the plan revision process, numerous stream segments on NFS lands were identified as eligible for inclusion in the National Wild and Scenic River System (see Appendix D). **Eligibility** is an inventory of certain stream characteristics, and does not represent a decision. Through the planning process and preparation of the EIS, the USFS further considered these stream segments for **suitability**. My preliminary administrative recommendation of suitability constitutes a plan decision that further refines the initial identification of eligible stream segments. Stream segments previously identified as eligible, but not recommended as suitable in this decision, are no longer subject to interim management protection under the guidance implementing the Wild and Scenic Rivers Act unless and until the study process required under section 5(d) of the Wild and Scenic Rivers Act is reconsidered under a separate plan amendment

or revision. Stream segments previously identified as eligible will be managed under other LRMP components pertinent to the streams' location and resource values.

I have delineated several other areas throughout the San Juan NF for special management, including two special botanical areas, two old growth recruitment areas, the Falls Creek Archeological Area, the HD Mountains, and lands around the Town of Rico. My decision also includes general management direction for Chimney Rock National Monument, consistent with the Presidential proclamation that established the area in September 2012. The San Juan NF is preparing a more detailed management plan for Chimney Rock National Monument that will provide a comprehensive management framework for the monument.

Issue 4: Management of Oil and Gas Leasing and Development

This issue reflects the questions of where and how oil and gas leasing and development might occur. Community participants noted that LRMP decisions and oil and gas leasing availability decisions need to be coordinated so that the infrastructure needs (roads, well pads, and pipelines) for oil and gas development are compatible with desired conditions for specific areas of land.

Lands not available for oil and gas leasing, lands available for oil and gas leasing, and the special lease stipulations to be applied at the time leases are offered, are identified through the San Juan NF Oil and Gas Leasing Availability ROD issued separate of this LRMP ROD, based on the combined analysis presented in the FEIS. This LRMP ROD does not include decisions pertaining to which lands are administratively available for leasing or the accompanying lease stipulations to be applied. This LRMP ROD does, however, document management guidance such as standards and guidelines to be applied to development activities related to existing oil and gas leases and to future leases issued under the San Juan NF Oil and Gas Leasing Availability ROD.

Through the use of a single environmental analysis presented in the FEIS, and the preparation of this LRMP in conjunction with the San Juan NF Oil and Gas Leasing Availability analysis and ROD, we have ensured that both leasing and development decisions are compatible with desired conditions for specific areas. My decision presented in this ROD identifies desired future conditions as well as other planning components--most notably standards and guidelines--that will complement the decisions in the San Juan NF Oil and Gas Leasing Availability ROD to ensure that subsequent development activities on both existing and future leases are coordinated and consistent with overall planning guidance.

4 CHANGES FROM DRAFT TO FINAL

The LRMP and FEIS contain changes that have occurred since the publication of the Draft LRMP and Draft EIS resulting from public comments, policy changes, and additional studies or other information. The key changes are described below.

Ecosystem Management: A section titled “Ecological Framework and the Conservation of Species” was added to the LRMP (Section 2.1) that describes the strategies, concepts, and components that are used in this LRMP to establish an ecological framework for the conservation and management of ecosystems, habitats, and species. This section addresses in detail USFS requirements to plan for diversity and viability, and includes an explanation about natural disturbances and the agencies’ limited ability to manage the effects of natural disturbances.

Climate Change: New LRMP components addressing climate change were added to relevant sections of the LRMP. These new components focus on managing ecosystems to be resilient and resistant to changes and natural disturbances. Appendix G summarizes the San Juan NF climate change strategy and provides a compiled list of LRMP components that address climate change.

Wildlife: The bluebird was replaced by the hairy woodpecker on the Management Indicator Species list for the San Juan NF based on comments received by the public and further internal review. LRMP components for wildlife were updated to reflect current species status, and components specific to threatened and endangered species were generally revised to emphasize guidance from recovery plans for those species. The LRMP includes additional mitigation for reducing conflicts between bighorn sheep and domestic sheep. Finally, a guideline in the Draft LRMP requiring the agencies to maintain a minimum level of aquatic habitat by identifying the minimum flow rates required to support that habitat was changed to a standard in the Final LRMP and includes four options for meeting that standard.

Water: Groundwater and municipal watershed protections were added, especially to mitigate potential impacts relating to oil and shale gas development.

Rangeland Management and Invasive Species: LRMP components were developed to mitigate potential impacts to bighorn sheep, to improve and maintain sagebrush ecosystems and to address cheat grass. The LRMP clarified that allowable use of forage and browse will be determined during subsequent project-level analysis. LRMP contains improved guidance for management of invasive species.

Air Quality: Standards and guidelines were revised to mitigate impacts from oil and gas development activities (these were published for public review and comment in the Supplement to the Draft EIS; additional changes were made based on public comments).

Travel Management: Guidelines addressing route density were revised, including specific guidelines to mitigate potential impacts to watersheds and wildlife; route density guidance is no longer tied to management areas. Definitions for “suitable” and “suitable opportunity” for motorized travel were improved for clarity. Suitable areas were slightly adjusted based on public comment and improved mapping to correspond travel mode with appropriate land designations such as recommended Wilderness. For over-snow travel, the suitable area for motorized use near Andrews Lake was extended to go east to the Wilderness boundary and south along Highway 550 to follow terrain, improve manageability, to provide a better location for snowmobiles to cross the highway, and provide more suitable snowmobile terrain. In the Corkscrew Gulch/US Basin area, the suitable area was extended south to the Corkscrew Gulch road, providing a link from the suitable terrain east of Highway 550 to the suitable terrain west of the highway. This and other minor over-snow corridors were created to provide improved access to snowmobile “play areas”.

Minerals and Energy: Leasing stipulations were revised based on public comments. New stipulations were developed to mitigate potential impacts to ground water, municipal watersheds, wildlife, the Old Spanish Trail, cultural viewsheds, and State wildlife areas. All stipulations were revised to provide the “justification” for each stipulation and to specify the conditions under which waivers, exceptions and

modifications would be considered. The LRMP includes a description of a future orderly leasing and development approach that would apply to lands in the Paradox Basin.

Management Areas (MA): Where MA 5 overlapped with a Colorado Roadless Area, the portion that overlapped with the Colorado Roadless Area was changed to the adjacent MA (often MA3). On the Pagosa Ranger District, there is a comprehensive listing of past management and uses resulting in some MAs being changed from MA3 to MA5 and from MA5 to MA3. MA 8 was added to areas surrounding the Wolf Creek Ski Area for possible expansion.

Recommended Wilderness: Boundaries were adjusted for the recommended Weminuche Adjacent and Turkey Creek areas to better follow topography and to establish manageable boundaries.

Wild and Scenic Rivers: River corridor boundaries were revised to remove any roads within scenic and wild segments. Thirteen miles of the East Fork of the San Juan River were added as a suitable recommended recreation segment, and approximately six miles of the recreation segment of the West Fork of the San Juan River were removed from suitable recommendation.

Research Natural Areas: Some Research Natural Area boundaries were adjusted for better manageability and to address resource conflicts for the following Research Natural Areas: Martinez Creek, Porphyry Gulch, Piedra, Hidden Mesa, and Grizzly Peak.

Other special areas and designations: Management direction for Chimney Rock National Monument is consistent with and references the Presidential proclamation for the area. Boundaries were adjusted for both the O'Neal Hill and Chattanooga Special Botanical Areas to remove roads, powerlines and other conflicting management. Specific management direction was added for Smoothing Iron and Boggy Draw Old Growth Recruitment Areas, and they are now within MA 3 (rather than MA 5). LRMP components were revised for Silverton based on external comments; most notably, guidance was added for improving land ownership management.

General LRMP Direction and Guidance: LRMP components were revised to some degree within most sections of the LRMP based upon public comments and internal review. Also, the Colorado Roadless Rule was incorporated by reference throughout the LRMP and FEIS.

5 PUBLIC INVOLVEMENT

I want to thank all of the individuals who participated throughout this revision process by sharing their ideas and concerns during our multiple public meetings and comment opportunities. The level of involvement we saw far exceeded requirements and typical expectations for public involvement processes. Because of this we were able to reach out across the spectrum of groups, governments, tribes and the general public to make sure this FEIS and LRMP was developed around the issues that matter most to our constituents. The San Juan NF staff and community participants engaged in dozens of professionally facilitated, well-attended planning events, meetings, study groups, and workshops that focused community input directly toward development of the LRMP and FEIS. The focus on features, uses, and conditions of the land resulted in remarkably civil and thoughtful conversations and comments pertinent to the task at hand -- revising a plan to guide decision-making on the San Juan NF for years to come.

5.1 Public Meetings

Community input started with several scoping meetings which led to 21 study group meetings over a period of eight months with more than 450 registered attendees (many of which attended several meetings) and dozens of 'drop-ins' that attended meetings or portions of meetings but chose not to register for the meetings. These meetings, held in Cortez, Durango, and Pagosa Springs, sometimes attracted over 100 participants. In order to encourage geographically diverse participation, the USFS and BLM hosted the study group meetings in communities such as Norwood, Rico, and Silverton. These meetings were heavily advertised and relatively well-attended with 50+ participants in Silverton, for example.

In early 2008, accompanying the release of the Draft LRMP and Draft EIS, and during the comment period, the USFS and BLM held a series of ten public meetings: three were held in Durango, two in Cortez, two in Pagosa Springs, one in Rico, one in Silverton, and one in South Fork. A total of roughly 650 people attended these meetings. During this time, interviews were conducted with over 80 recreationists, and meetings were held with the public and key stakeholders to gather additional input on topics of particular community interest. When the Supplement to the Draft EIS was released in the fall of 2011, additional meetings were held to explain the content and analysis in the Supplement. Four public meetings were held in Durango, Norwood, Dove Creek, and Cortez. These are the communities most likely to be impacted by oil and gas development, which was the subject of the Supplement.

5.2 Local Governments and Cooperating Agencies

To integrate a regional land management perspective into the plan, the USFS and BLM invited over 30 local governments, Tribes, and State and Federal agencies to become a *Cooperating Agency* for the LRMP Environmental Impact Analysis process. *Cooperating Agency* status allows other government entities to have a "seat at the table" and can participate in the NEPA process at the earliest possible time and assist with developing information and analysis. The Town of Rico and Montezuma County formally agreed to be cooperating agencies during the planning process, and the San Juan NF developed a Memorandum of Understanding with the Town of Rico and Montezuma County outlining the each party's various responsibilities with regard to the planning process. The Memorandum of Understanding with Montezuma County expired in 2010 and was not renewed based on discussions between the County and the BLM/USFS. The information and perspective provided by the Montezuma Board of County Commissioners and representatives from the Town of Rico throughout the process was invaluable and highly appreciated.

Also noteworthy to our public outreach process was our convening of the Governmental Water Roundtable. Recognizing the jurisdictional complexity of water resource management, the USFS invited local governments, Tribal representatives, Water Conservation Districts, and various State agencies to be part of the Roundtable. A total of 10 Water Roundtable meetings were held between May 2005 and March 2006. The group tackled various water issues and their input is reflected in the LRMP. We also worked closely with the Four Corners Air Quality Task Force and the Air Quality Stakeholders Group

which included the National Park Service, BLM, Environmental Protection Agency and Colorado Department of Public Health and Environment to develop appropriate mitigation measures for air quality within the LRMP.

5.3 Tribal Consultation

The Forest consulted with 26 Native American Indian Tribes affiliated with lands managed by the San Juan NF and Tres Rios Field Office since the initiation of the plan revision, and all tribes were invited to be cooperating agencies. Face-to-face meetings occurred with representatives of most of the 26 tribes at various times during the preparation of the LRMP.. As presented in the FEIS, issues of most concern to the Tribes included management of Chimney Rock National Monument, oil and gas leasing and development, management of traditional cultural properties, focus on limited ground disturbance, and the USFS's approach to honoring the Brunot Agreement.

6 OTHER FINDINGS

6.1 Identification of the Environmentally Preferred Alternative

National Environmental Policy Act (NEPA) regulations require agencies to specify the alternative or alternatives which were considered to be environmentally preferable [40 CFR 1505.2(b)]. USFS policy (FSH 1909.15, Section 05) defines environmentally preferable as, "An alternative that best meets the goals of Section 101 of NEPA. . . . Ordinarily this is the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources." I find, based upon the laws and regulations guiding National Forest System management, that Alternative B is the environmentally preferred alternative. Although Alternative C allows for fewer ground-disturbing activities and was identified by the U.S. Environmental Protection Agency's as their environmentally preferred alternative, it does not address the six goals of NEPA as well as Alternative B. I base my finding on the following comparison showing how the alternatives address the goals of Section 101 of NEPA:

1. Fulfill the responsibilities of each generation as trustees of the environment for succeeding generations

The needs and expectations of each generation evolve based on changing values and social and environmental circumstances. In keeping with input received from the public, Alternative B is largely based on a continuation of management from the past, while recognizing that uses and values have evolved and management of the forest must evolve with those changes. Alternative A may have best served preceding generations because it is based on direction developed 30 years ago, but fails to recognize these changes and therefore does not present the most environmentally preferred option for future management. While Alternative C provides the most protection to resources, it does not address current and future needs demanded by the public as well as Alternative B does, and as a result could set up an unrealistic and therefore unsustainable management scenario for future generations to face and address. Alternative B sets sustainable limits on resource use and the actions approved by it will be monitored to ensure it continues to meet environmental and societal demands. Alternative D places a strong emphasis on development of forest resources and is less protective than Alternatives B or C.

2. Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings

The San Juan NF has and continues to be enjoyed by thousands of visitors every year because it provides a safe, healthful, productive, and aesthetically and culturally pleasing setting. Lack of active management, as could occur under Alternative C, or too much emphasis on one expectation over another could result in an imbalance in these expectations. Alternative B provides the best option for meeting these expectations because it strikes a balance between resource production and providing opportunities for forest users in a safe manner. It promotes access and a healthy form of recreation to a greater number of individuals, while maintaining the scenic setting of the San Juan Mountains.

3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences

This goal from NEPA is indicative of the Act's recognition of the need for balance in managing the environment in order to produce environmentally preferred results which strongly aligns with the theme of Alternative B. Alternative B also provides the best mix of resource utilization as a beneficial use of the environment, along with the safeguards provided by standards and guidelines for maintaining water quality, scenery, air quality, wildlife habitat, and other resources that are important to the American people. Because of the more narrow focus on protection and restrictions (Alternative C) and development and access (Alternative D), these other action alternatives do not offer the broad range of beneficial uses that is a primary goal of NEPA.

4. *Preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment, which supports diversity and variety of individual choice*

This goal recognizes that humans are a natural aspect of our National heritage. The resources of the San Juan Mountains were utilized by humans for thousands of years. I find that the best way to preserve that heritage, and the environment that supports diversity and variety of choice, is to provide a balance between the physical resource use and the appropriate protection of cultural and historic resources. Based upon public input; Tribal consultation; and, the effects of each alternative displayed in the FEIS, I find that Alternative B meets this goal better than the other alternatives.

5. *Achieve a balance between population and resource use, which will permit high standards of living and a wide sharing of life's amenities*

The public demands a variety of products and uses that can be provided by the San Juan NF. Our challenge is in defining the balance sought in this NEPA goal, and I find that Alternative B achieves that balance. Alternative B provides more resource use than Alternative C, while providing more safeguards and higher levels of protection than do Alternatives A or D.

6. *Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources*

Although Alternative C may appear to best meet the objectives of this goal, the lack of active management could present risks for the long-term health of the San Juan NF's renewable resources. Past human intervention in natural processes has put those resources at unnaturally higher risk of the impacts from natural disturbances. Unnaturally high resource impacts directly affect the nutrient cycle and can, in the case of fire for example, break the cycle of nutrient recycling. Alternative B recognizes these risks, and while it recognizes the role of natural disturbance, it also allows for a level of active management that can reduce the risks of catastrophic events. It is also my determination that Alternative B is the alternative that best approaches the maximum recycling of depletable resources because it recognizes the value and need of resource use while placing appropriate constraints on development based on past monitoring results. Alternative D places a higher emphasis on access to resources and production and has a higher probability of resulting in unsustainable extraction of resources on the San Juan NF.

6.2 Alternative with Highest Present Net Value

The 1982 NFMA planning regulations at 36 CFR 219.12(j) require a consideration of *present net value* for each alternative. Both financial and economic efficiency were analyzed for all alternatives. **Financial efficiency** examines the projected revenues and costs to the USFS, limiting the analysis to those revenues and costs recorded in agency financial records. **Economic efficiency** was analyzed from a broader view, considering some of the benefits of each alternative that are not readily valued in the marketplace, but for which estimates of benefits exist. The economic efficiency analysis includes willingness-to-pay values for recreational use, and market value for meat produced through grazing of public land, in addition to the value of benefits commonly represented in the marketplace. In the case of both forms of analysis, future costs and revenues (benefits) were discounted using a 4 percent discount rate over a 50-year period of 2013-2063 to estimate the present net value of each alternative.

The present value of financial net revenues (discounted public lands revenues minus discounted public lands management costs) range from a low of \$486 million for the selected Alternative B to a high of \$513 million for the No Action Alternative. For all alternatives considered, projected revenues would exceed costs.

The economic efficiency analysis estimates the present value of net benefits ranging from \$7,381 million for the selected Alternative B to \$7,428 million for the No Action Alternative, reflecting a \$47 million difference in net benefit over a 50-year period. However, as explained in detail in the FEIS the benefits included in the economic efficiency analysis are limited to those commonly represented in the

marketplace in addition to non-market valuations for recreational use and meat production. No monetary values or net benefits were assigned to the multitude of non-market benefits including biological function and diversity; amenity values such as scenery, air or water quality; existence values of wilderness or other intact systems; or the value of ensuring these values will be intact for future generations.

The alternatives considered result in relatively similar present net values under both the financial and economic efficiency approaches. The economic efficiency analysis highlights the important benefits the San Juan NF provides to the public, producing more than \$7 billion in net benefits even without considering the great amount of non-market benefits excluded from the analysis. I find that the selection of Alternative B would provide the greatest overall present net value for the public. This alternative results in present net values closely comparable to the other alternatives considered, but also includes very significant non-market net benefits by balancing working forests and rangelands with core undeveloped areas, sustainable ecosystems, and conservation of key areas, resources, features, and landscapes for present and future generations.

6.3 Findings Required by Other Laws

I have considered the statutes governing management of the San Juan NF, and I find that this decision represents the appropriate approach to meeting the current statutory duties of the USFS. Some of the most important are discussed in this section.

Clean Air Act

As discussed in Section 3.12 of the FEIS, ambient air measurements for existing air quality on the San Juan NF are in compliance with National Ambient Air Quality Standards. Compliance with air quality statutes is addressed through the LRMP direction in Section 2.12, Air Quality. The LRMP Monitoring Plan identifies desired conditions and objectives for reaching those conditions, and indicators for measuring success.

Clean Water Act

The LRMP contains direction to ensure all projects meet or exceed State Best Management Practices prepared under the guidance of the Clean Water Act. Direction for the protection of water resources is primarily located in the LRMP, Section 2.6, Water Resources, and Section 2.5, Aquatic Ecosystems and Fisheries; guidance in other sections will also serve to improve water resources on the San Juan NF. Implementation of the LRMP is expected to contribute to protecting or restoring the physical, chemical, and biological integrity of waters of the United States in accordance with the Clean Water Act. Monitoring the implementation and effectiveness of water quality improvement projects and water quality protection measures will continue to be a required component to meeting the intent of the Clean Water Act.

National Historic Preservation Laws

In accordance with a Memorandum of Understanding with the Advisory Council on Historic Preservation, forest plans are not undertakings under the National Historic Preservation Act. Since the LRMP is a programmatic action and does not authorize specific ground-disturbing or other potentially impacting activities, project level consultation (pursuant to Section 106 of the Act) with the State Historic Preservation Officer is not required. The LRMP does identify special areas which include areas that will be managed with an emphasis on historic and cultural preservation and protection. Projects undertaken in response to direction in the LRMP will fully comply with LRMP standards and guidelines as well as the laws and regulations that require consideration of cultural resources. It is my determination that the LRMP complies with the National Historic Preservation Act, the Archaeological Resources Protection Act and other statutes that pertain to the protection of cultural resources.

Endangered Species Act

The LRMP and FEIS address the potential effects of forest-wide programmatic direction rather than site-specific projects. Projects developed under the direction of the LRMP will require additional NEPA analysis to address effects to federally listed species. All projects will comply with the Endangered

Species Act. A Biological Assessment, found in Appendix J of the LRMP/FEIS, was prepared to evaluate the potential effects of the LRMP on federally listed species and their habitats. In their letters of August 14, 2013 and August 23, 2013, the U.S. Fish and Wildlife Service concurred with the determinations of effects to species analyzed in the Biological Assessment.

The LRMP “may affect, but is not likely to adversely affect” the Southwestern willow flycatcher, Uncompahgre fritillary butterfly, Mexican spotted owl, lineage greenback cutthroat trout, Knowlton’s cactus, and Pagosa skyrocket and its designated critical habitat.

The LRMP “may affect, is likely to adversely affect” Canada Lynx, Bonytail chub, Humpback chub, Razorback sucker and Colorado pikeminnow.

The U.S. Fish and wildlife Service concurred with the management direction set forth in the LRMP for these listed species as being adequate to provide protection for the species and in helping to further recovery goals.

Healthy Forests Restoration Act

The LRMP complies with and achieves the objectives of the Healthy Forests Restoration Act in accordance with Section 102, Authorized Hazardous Fuel Reduction Projects. LRMP desired conditions, objectives, suitable uses, and standards and guidelines incorporate – from a broad perspective to particular design criteria – many aspects of direction entailed within HFRA, including a strong emphasis for fuels reduction and forest restoration goals in wildland-urban interface areas and in forested areas reflecting fire regime condition class 3. In addition, the LRMP focuses efforts, where possible, on improvement of forest health where ecosystem components are at risk from epidemic levels of insects or disease.

Other Laws and Executive Orders

I find that the selected alternative, Alternative B, is in compliance with the following laws and Executive Orders, as documented in the FEIS:

- Executive Order for Environmental Justice
- National Forest Management Act of 1976, as amended
- Mineral Leasing Act as amended
- Federal Onshore Oil and Gas Leasing Reform Act
- Mining and Minerals Policy Act
- Executive Order for Protection of Migratory Birds

7 IMPLEMENTATION

Implementation of the LRMP may occur 30 calendar days after the Notice of Availability of the FEIS is published in the Federal Register (36 CFR 219.10(c)(1)), and 7 days after the legal notice of this decision is published in *The Denver Post*.

The following site-specific planning projects have been substantially developed using, and the decisions will be made under, the previous 1983 San Juan Land and Resource Management Plan, as amended:

Columbine Ranger District

- BP Sauls Creek Waterline
- Bullion King Abandoned Mine Lands Project
- Elmrige Goose Creek Wells
- Logchutes Downhill Mountain Bike Zone
- Tri-State Cascade to Silverton Line
- Zink Access Road and Utilities

Dolores Ranger District

- Tenderfoot Allotment Management Plan

Pagosa Ranger District

- CenturyTel Communications Site Permit Reissuance
- Wolf Creek Spruce Salvage
- Divide Park and Chris Mountain Allotment Range Improvements
- Deep Canyon Fuels Reduction Project
- San Juan River Village Water Tank Special Use Permit
- Young and Haddon Private Roads Special Use Permit
- Hartong Ranch Road/Trail Special Use Permit
- Burns Canyon Road Access Special Use Permit
- Fawn Gulch Sign Special Use Permit

For all other projects and for projects with decisions made on or after the implementation date described above, direction from the revised LRMP will apply. In developing the LRMP, implementing pre-existing decisions and the associated effects of that implementation were considered part of the baseline against which the alternatives were evaluated. Because we considered these earlier decisions in our effect analysis, their implementation is not in conflict with the LRMP.

The San Juan NF will undertake many management activities/projects to implement the LRMP. Many of these activities are site-specific and require analysis and disclosure of effects under NEPA. For example, a risk of contact assessment was conducted during the preparation of the LRMP and FEIS to verify the need for certain standards and guidelines to prevent contact of domestic sheep with bighorn sheep to avoid disease transmission. As a result of this assessment, specific standards were developed. Application of these standards will require further site-specific assessment of the risk of physical contact between these animals to assist in developing appropriate site-specific permit administration and grazing management actions. These site-specific analyses will be done during implementation of the LRMP. Site-specific analysis of proposed activities will determine what can be accomplished. The outcomes

specified in the LRMP are estimates and projections based on available information, inventory data, and assumptions.

Under the National Forest Management Act, “permits, contracts, and other instruments for the use and occupancy” of National Forest System lands are required to be “consistent” with the current Land and Resource Management Plan. However, this requirement is not absolute. In the plan revision context, the National Forest Management Act specifically qualifies the requirement in three ways: 1) these documents must be revised only “when necessary”, 2) these documents must be revised “as soon as practicable”, and 3) any revisions are “subject to valid existing rights”. Use and occupancy agreements, which might require modification of pre-existing authorization, include those for timber harvesting and livestock grazing.

I have decided not to modify any existing timber sale contracts solely due to the revised LRMP. These contracts will be executed according to their terms and these effects have been disclosed in the FEIS. Existing timber contracts will, in most cases, be completed within three years of the signing of this ROD. The Forest Supervisor is responsible for determining whether to modify decisions authorizing timber sales not currently under contract.

Other use and occupancy agreements are for a substantially longer term than timber contracts. For example, grazing permits are generally issued for a ten-year term. My discretionary decision is to require grazing permits to comply with the revised LRMP’s standards and guidelines. The case law is clear that grazing permits are privileges rather than rights, and they are subject to modification by their terms and under the grazing regulations. The San Juan NF is presently under a separate statutory mandate (Rescission Act, Public Law 104-19, Section 504; July 27, 1995) to schedule and complete NEPA analysis for all grazing allotments. The San Juan NF has scheduled the required analyses, and I find that applying the revised LRMP’s standards and guidelines through this process will meet the “as soon as practicable” provision.

Other classes of “use and occupancy” agreements will be reviewed to determine whether or when the Forest Supervisor should exercise his/her discretion to bring them into compliance with the revised LRMP. I find that the statutory criteria of “as soon as practicable” and excepting “valid existing rights” useful in exercising that discretion.

I am making this plan decision in accordance with the transition provisions of the current planning regulations which permit use of the 1982 regulations for the purpose of revising the plan. However, in accordance with the current regulations at 36 CFR 219.17(c), no obligations remain for project planning from the 1982 regulations except those that are specifically included in the revised LRMP.

8 APPEAL OPPORTUNITIES

For LRMP decisions conducted under the 1982 planning regulations, the responsible official can elect to use the “optional appeal procedures” (the former 36 CFR 217 appeal procedures that were in effect prior to November 9, 2000) or the objection procedures of the current regulations (only if public notice had previously been made). Since public notice was not previously made, I have decided to use the optional appeal procedures. These appeal procedures are available for review at:

<http://www.fs.fed.us/emc/applit/includes/PlanAppealProceduresDuringTransition.pdf>

Appeals may be submitted electronically or mailed to the Chief of the Forest Service. Appeals should be emailed or postmarked within 90 days after the date the Legal Notice of this decision is published in the Regional Forester’s newspaper of record, *The Denver Post*. The appeal must clearly state that it is a **Notice of Appeal of the San Juan Land and Resource Management Plan Decision pursuant to the optional appeal procedures**. Appeals must meet the content requirements of Section 9 of the optional appeal procedures.

Appeals may be faxed to (703) 235-0138 or emailed in a common digital format to: appeals-chief@fs.fed.us.

A written notice of appeal must be filed in duplicate with the Chief of the Forest Service at:

USDA Forest Service
Attn: Judicial and Administrative Reviews
EMC, RPC-6
1601 N. Kent St.
Arlington, VA 22209

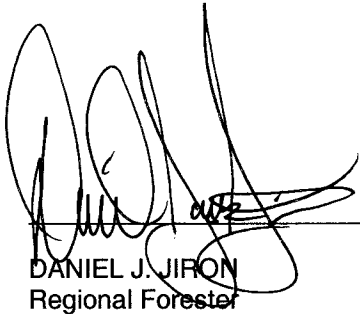
Requests to stay the approval of this Revised Forest Plan shall not be granted (Section 10 of the Optional Appeal Procedures).

For additional information concerning this decision or the USFS appeal process contact:

Forest Supervisor, San Juan National Forest
15 Burnett Court
Durango, CO 81301
(970) 247-4874

9 CONCLUSION

I am pleased to announce this decision and bring this phase of the San Juan NF plan revision to completion. Over the next few years we have the opportunity to work together to achieve the goals, desired conditions, and objectives of the Revised LRMP. Adaptive management will be the basis of implementation. We will carefully monitor our activities, the condition of the land, the goods and services produced, and the effectiveness of the protection measures included in the Revised LRMP to assure a healthy forest for future generations.



DANIEL J. JIRON
Regional Forester

SEP 13 2013

DATE